

35



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,341	12/22/2000	Eberhard Holl	10744/2500	9789

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EXAMINER

PIPALA, EDWARD J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

89/18,341

Applicant(s)

Holl

Examiner

Ed Pipala

Group Art Unit

3661

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on March 8, 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-36 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).
- *Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 3661

DETAILED ACTION

This Office Action is in response to the amendment and remarks filed by Applicant on March 8, 2002.

Claims 1-16 remain and new claims 17-36 have been added, accordingly claims 1-36 are now pending.

The previous rejection of claims 1-16 under 35 U.S.C. 112, second paragraph has hereby been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17-36 are rejected under 35 U.S.C. 112, first paragraph, as being of undue breadth due to the "single step" nature of independent claim 17.

As per 2164.08(a) of the MPEP, a single means claim is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph according to *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

Art Unit: 3661

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 17 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigl et al.

Sigl et al. teaches an automatic locking brake system which is put into effect when it has been determined that the brake pedal is being operated (braking force) and the vehicle speed falls short of a very low vehicle reference speed v_x (as taught in the abstract). Additionally, under the heading of summary of the invention Sigl et al., further teach that the low reference speed variable v_x at which the brakes are automatically applied is variable and dependent on the deceleration so as immediately effect brake locking only after the vehicle has been brought to a complete stop.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3661

Claims 2-16 and 18-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigl et al., in view of GB 2 297 619 (supplied by Applicant).

Sigl et al. clearly teaches determining the complete stop of a vehicle using the presence of braking force, reference vehicle speed v_x and/or wheel speed, but does not go into detail with respect to the subject matter of these dependent relating to first and second low speed thresholds or averaging of deceleration values between these low speed threshold values.

GB 2 297 619 discloses a method of predicting when a vehicle has come to a standstill, and particularly teaches doing so with respect to sampled wheel or vehicle speeds for successive times and extrapolating or estimating from these values the time at which the vehicle will be at a standstill.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented the teaching of GB 2 297 619 with respect to determining average deceleration rates etc., within the context of the automatic locking brake system of Sigl, et. al. at least because Sigl et al. already teaches the use of a very low reference speed variable v_x in determining a “stopped” condition, and because lines 31-33 of col. 1 specifically teach consideration of vehicle deceleration in order to lock the brakes only *after* the vehicle has been brought to a complete stop.

Art Unit: 3661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Pipala whose telephone number is (703) 305-9785. The examiner can normally be reached on Monday through Thursday from 7:30 to 6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 305-7687, (for formal communications intended for entry)

Hand-delivered responses should be brought to 5 Crystal Park, 2451 Crystal Drive, Arlington. VA.,
Seventh Floor (Receptionist).

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